



UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	NO. 3:22-mj-4311
)	
)	JUDGE FRENSLEY
ROBERTO CORTEZ)	

MOTION TO DISMISS WITH PREJUDICE

COMES NOW the United States of America, by and through Henry C. Leventis, United States Attorney, and the undersigned Assistant United States Attorney, Robert E. McGuire and moves this court to dismiss the Criminal Complaint in this case with prejudice. For cause, the United States would submit that the Defendant pleaded guilty to being a Felon in Possession of a Weapon in Davidson County (Tennessee) Criminal Court Case Number 2023-A-60 and faces no less than four years in state prison at his sentencing in August 2024. The United States submits that the factual basis for the Defendant’s guilty plea in state court is the same as the factual basis for the federally indicted offense in this case. Therefore, the federal interest in prosecuting the Defendant is now concluded given his conviction on state charges stemming from the same criminal conduct.

Based on the foregoing, the United States respectfully requests that the Indictment in this case be dismissed.

Respectfully submitted,

HENRY C. LEVENTIS
United States Attorney

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing will be served electronically to counsel for defendant, via the Court's Electronic Case Filing System, on May 10, 2024.

s/ Robert E. McGuire
ROBERT E. MCGUIRE
Assistant United States Attorney